

REMARKS

The Office examined claims 1-20 and rejected same. With this paper, various of the claims are amended, none are cancelled, and new claims 21-42 are added, so that claims 1-42 are now pending.

With this paper various of the original claims are amended by replacing "characterized" with "comprising." Applicant respectfully submits that this amendment does not affect the scope of the claims. See MPEP § 2111.03 (the transitional term "comprising" is synonymous with "characterized by"). Claims 11 & 12 are further amended so as to respectively recite components for sending and receiving messages with enhanced media characteristics. Support for these limitations may be found in Figs. 2 & 3 of the application. The claims are also amended to remove reference numerals, which also does not affect the scope of the claims. See MPEP § 608.01(m) (the use of reference characters is considered as having no effect on the scope of the claims). Also, the claims are amended so as not to recite "step of" in any of the claim elements.

In addition to the changes to the claims as originally filed, two new claims 21 and 22 are added to the case. These recite limitations corresponding to those recited in originally filed claim 1.

Rejections under 35 USC §102

At section 3 of the Office action, claims 1-7 & 10-20 are rejected under 35 USC §102 as being anticipated by U.S. Pat. No. 6,961,754 to Christopoulos et al (hereinafter Christopoulos). Of these claims, only claims 1, 11-13 are independent.

As to claims 1, 11 & 13, the Office asserts that Christopoulos teaches that "a user agent ... of the sending

terminal inserts, into the message, media characteristics of the message sufficient in detail to enable determining whether the message should be transcoded to accommodate multimedia capabilities of the receiving terminal." The Office relies upon Christopoulos col. 4 lines 8-12, which reads: "user preferences as well as the network and terminal capabilities is either provided to the external device." Applicant respectfully submits that neither user preferences nor user and terminal capabilities are the same as claimed "media characteristics."

As described in the application, "media characteristics" includes detailed information relating to a message's media content, and may include data fields such as image resolution and format profile (e.g., JPEG baseline or progressive). These media characteristics are not a recordation of a terminal's capabilities, but rather a concise description of a message's media content included so as to enable a transcoding server to determine whether transcoding is necessary without having to fully or partially process the file. A terminal, for example, might be capable of displaying an 800 x 600 pixel digital image. If that terminal were to dispatch an image of lower resolution, such as a 640 x 480 pixel image, the "media characteristics" inserted into that message would describe the content of the message (640 x 480), not the capability of the terminal (800 x 600). Claim 1 explicitly states that media characteristics must be "sufficient in detail to enable determining whether the

message should be transcoded to accommodate multimedia capabilities of the receiving terminal."<sup>1</sup>

Nor can it fairly be said that "media characteristics" are "user preferences." The plain meaning of the language suggests that user preferences are toggleable options, such as whether or not a client wishes to receive media content, not descriptors of a message's inherent properties.

Applicant respectfully submits that Christopoulos does not teach or suggest attachment of any matter descriptive of a message's media content to a message by a user agent. Rather, all the reference discloses is the traditional method by which a transcoding server analyzes the message's content (as opposed to the appended "media characteristics") in order to determine whether or not transcoding is necessary, not unlike the background art presented in the instant application. **There is simply no teaching of "media characteristics" being inserted into messages by a user agent.**

As to claim 12, The Office asserts that Christopoulos teaches "a characteristics reader and analyzer ... responsive to the message for deciding whether the message should be transcoded based only on comparing media characteristics inserted into the message with actual or assumed multimedia capabilities of the receiving terminal." The Office relies upon Christopoulos col. 5 lines 9-16 which reads as follows: "the system employs a transcoder/scalability service means for modifying the set of

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<sup>1</sup> Christopoulos does disclose at col. 12, ll. 60-66 inclusion of significance values for image ROIs as message "metadata." These values, even when combined with user preferences and terminal characteristics, are not "sufficient in detail to enable determining whether the message should be transcoded." Significance values for image ROIs are intended to assist a transcoding server in resizing an image, but the server must first process the image to determine its encoding scheme and resolution.

multimedia data, based on a number of user preferences associated with one or both end-users, and based on a number of terminal and network connection capabilities." For the reasons discussed above, applicant respectfully submits that inserted media characteristics are not the same as user preferences or terminal and network connection capabilities.

For the reasons given for the claims argued, and at least by virtue of the dependencies of the claims not argued, applicant respectfully requests that all the rejections under 35 USC 102 be withdrawn.

New claims

New claims 21-42 all recite either providing media characteristics in a message, or else obtaining media characteristics that are provided in a message. Further, new claims 21-23 make express that the media characteristics are sufficient in detail to enable determining whether the message should be transcoded to accommodate multimedia capabilities of the receiving terminal, and new claims 24-26 expressly require deciding whether the message should be transcoded based only on the inserted media characteristics and on actual or assumed multimedia capabilities of the receiving terminal transcoding. As argued above in respect to claims 1 and 11-13, the applied art provides no such teaching.

Thus applicant respectfully submits that new claims 21-42 are distinguished from the teachings of the applied art.

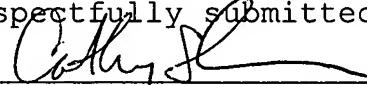
Support for the new claims is provided by claims 1 and 11-13 as originally filed in that the new claims recite either the same limitations as either expressly or impliedly recited in these claims, or limitations corresponding to those expressly or impliedly recited in claims 1 and 11-13, but allowing for

embodiments in which the media characteristics are not necessarily used by themselves to determine whether to transcode. Applicant respectfully submits that a fair reading of the application makes clear that the invention encompasses such embodiments.

Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

  
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Date

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